

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

MASONRY INSTITUTE, BRICKLAYERS)	
LOCAL 21 PENSION FUND, DISTRICT)	
COUNCIL TRAINING CENTER FUND,)	
AND BRICKLAYERS AND STONE)	1:14-CV-741
MASONS OF ILLINOIS DISTRICT COUN-)	
CIL NO. 1 B.A.C. ANNUITY TRUST FUND,)	Judge Pallmeyer
)	
Plaintiffs,)	Magistrate Judge Brown
v.)	
)	
BOS AND SON, INC., an Illinois Corpora-)	
tion,)	
)	
Defendant.)	

**MOTION TO VACATE ORDER OF DISMISSAL, TO REINSTATE ACTION,
AND FOR ENTRY OF JUDGMENT**

NOW COME the Plaintiffs and moves this Honorable Court to vacate Order of Dismissal entered on July 17, 2014, a copy of which is attached hereto as Plaintiffs' Exhibit "A", and to reinstate Plaintiffs' cause of action instanter, and for entry of judgment against the Defendant, BOS AND SON, INC., an Illinois Corporation.

In support of Plaintiffs' Motion, Plaintiffs state as follows:

- 1) That pursuant to Settlement Agreement and Agreed Order of Dismissal, executed by the Defendant on July 8, 2014, a copy of which is attached hereto as Plaintiffs' Exhibit "B", the parties agreed to a dismissal of the pending action.
- 2) That notwithstanding the provisions of the Settlement Agreement, specifically paragraph 1 thereof, the Defendant has only remitted three payments totaling

\$1,946.88, when payments in the amount of \$3,244.78 were due, and Defendant has communicated that no further payments will be made.

WHEREFORE, in accordance with the provisions of the Agreed Order of Dismissal, Exhibit "A", Plaintiffs pray that the Order of Dismissal be vacated instant, Plaintiffs' cause of action be reinstated, and that judgment enter in favor of Plaintiffs and against the Defendant in the amount of \$7,217.48, as and for the outstanding delinquencies and accrued interest calculated pursuant to the Judgment Order, which amount does not include current delinquencies claimed due, if any.

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Dated: November 11, 2014